Wake Forest Jurist

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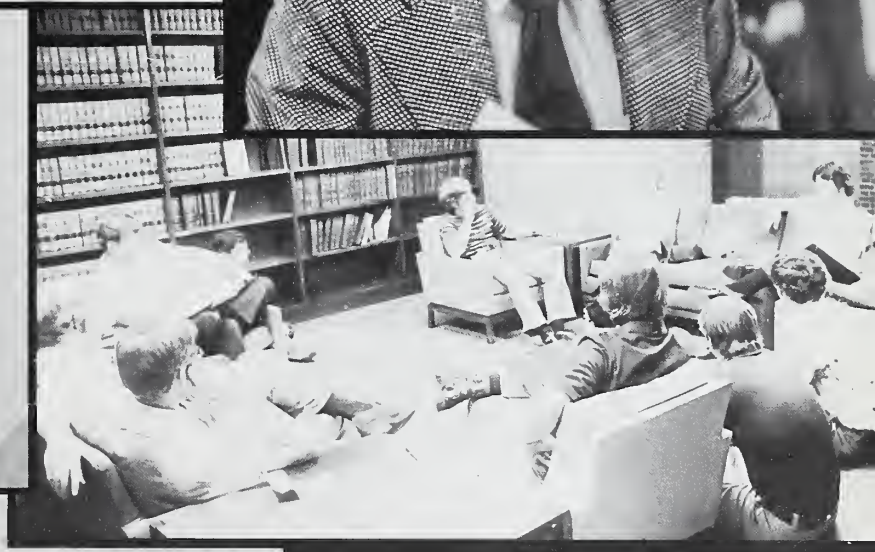
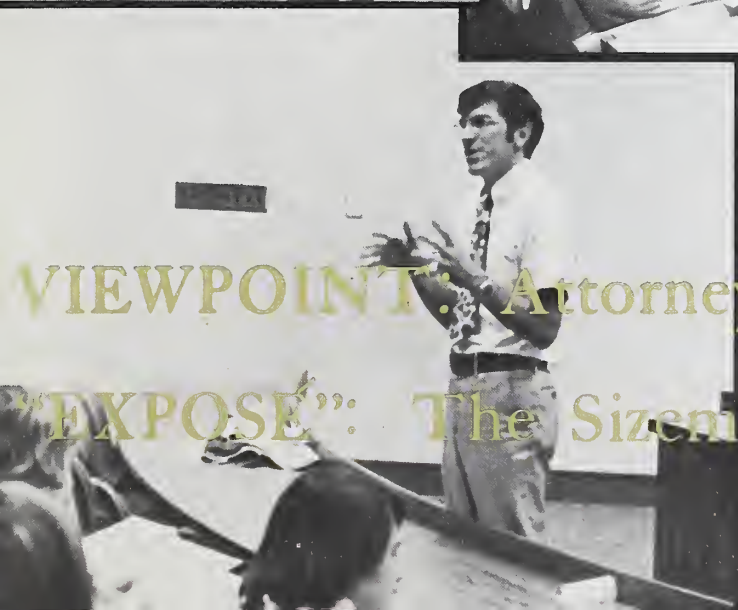
GUY T. CARSWELL HALL





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WAKE FOREST JURIST

Vol. 4, No. 1 Fall, 1973

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STATEMENT OF PURPOSE AND POLICY

The *Wake Forest Jurist* is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the *Jurist* seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide an outlet for the creative talents of students and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

A MESSAGE FROM THE DEAN

In April of this year, the School of Law underwent its first reaccreditation inspection since 1959. A team of visitors representing both the American Bar Association and the Association of American Law Schools spent three days on the campus making a thorough examination of the physical plant, the library, the curriculum, the faculty, the students, and many other aspects of the School. I am pleased to report that, as expected, the visitors have found the School to be in full compliance with all accreditation standards, and that the Council on Legal Education of the American Bar Association has confirmed that judgment.

The accreditation team especially commended the responsiveness of the administration of Wake Forest University to the needs of the School of Law, and noted the excellent support that President Scales has provided. Not every law school is fortunate enough to have this kind of solid relationship with the central administration of the university of which it is a part; we indeed are favored in this respect.

The visitors expressed some concern about a subject that long has been one of the School's chief concerns: the need for additional funded scholarships and other sources of student aid. As in most other areas of the economy, tuition and other law school costs are continuing to rise. If the School is to remain accessible to students from all economic levels, not just those from upper-income families, it is imperative that we constantly seek and obtain more money for scholarships. That being so, I am particularly happy to announce two new law scholarship funds which have been created within the past few months: The Proprietary Association Fund in Honor and Memory of James F. Hoge, and the David M. Britt, Jr. Law Scholarship Fund.

Dean Bowman

Jim Hoge, as most readers of this column will know, was one of the School's most distinguished alumni. He ably served The Proprietary Association for many years as its general counsel. In recognition of his outstanding service to the Association, its members have contributed to the School a substantial fund, the income from which is to be used in perpetuity for one or more scholarships each year. It is anticipated that the initial award of this scholarship will be made in the fall of 1974.

The David M. Britt, Jr. Law Scholarship Fund has been established by Judge David M. Britt of the North Carolina Court of Appeals in honor and memory of his son David M. Britt, Jr. Judge Britt was a member of the class of 1937 and currently is serving on the Board of Visitors of the School of Law. This scholarship will be awarded for the first time in the fall of 1974. As in the case of the Hoge Scholarship, the income from the fund will be used in perpetuity for one or more scholarships each year.

We are deeply grateful to Judge Britt and to The Proprietary Association for making these new scholarships possible. Friends of Jim Hoge and of Judge Britt are invited to make contributions to these funds; such contributions will serve a highly useful purpose and will be welcome at any time.

It is with great pleasure that I note the arrival of the two most recent additions to our faculty, Professor Sylvester Petro and Assistant Professor Charles P. Rose, both of whom joined us as of September 1, 1973. Professor Petro is one of the nation's formost authorities in Labor Law, a prolific author, and a frequent consultant to Congressional committees. Regrettably, he suffered a heart attack early in September and will be lost to us for most of the Fall Semester. He is making a good recovery and we are very hopeful that he will be able to return to the classroom in January.

Professor Rose is teaching courses in Administrative Law and Criminal Law this semester. Next semester he will teach Remedies and will run the first-year legal writing program. A 1967 graduate of Case Western University School of Law, Professor Rose served a four-year hitch in Army JAG (most of it on the faculty of the JAG School in Charlottesville, Virginia) and taught at the University of Akron School of Law before coming to Wake Forest.

I look forward to seeing many of our alumni on Homecoming Day, Saturday, November 10. There will be a full program of events at the School on Saturday morning, including a coffee hour, a special program honoring Wake Forest lawyers who have served or are serving as members of the judiciary, and a buffet luncheon. After the Wake Forest-Duke game that afternoon, the annual Law Alumni reception will take place at the Sheraton Motor Inn. It promises to be a very special kind of day.

LAW SCHOOL NEWS

NEW CALENDAR FOR LAW SCHOOL

The Law School has adopted a new schedule for the 1973-74 school year which varies radically from past formats. One feature is the beginning of exams immediately after Christmas Holidays.

The decision of the Wake Forest undergraduate school to go on the "4-1-4" had its effects on the law school schedule. The "4-1-4" program consists of two four-month semesters plus an intermediate one-month period of intensive study, and has resulted in moving up the graduation date for all students by one week. Before the undergraduates went on "4-1-4", there were two weeks of classes in the law school after Christmas recess and then exams. Last year, when the "4-1-4" program was in operation, there was only one week of classes after recess and before exams began. According to Assistant Dean Leon Corbett, Jr., the faculty felt that it was an unproductive period because there was no time to get anything of substance accomplished and students spent the time preparing for the exams. As a result of last year's experience, the faculty voted to change the schedule this time around. Christmas recess will run from December 20 to January 2, and the exam period will run from January 3 to January 17.

Some people have suggested that it might be a good idea " to get it over with before Christmas." To accomplish this, school would have to start earlier in the summer, but would have to break for a Labor Day holiday. (This year, classes began on Labor Day to give the students the longest possible summer.) Mr. Corbett said that the general consensus of the faculty was that a schedule of exams after the Christmas recess would preserve the option to study during the holiday for the students who wished to take advantage of it.

The traditional one-week spring vacation has also been changed on the schedule. The week's time has been split up so that one part composes a long Easter weekend (Thursday through Monday) and the remaining days were alloted to the spring semester exam period.

The examination period has been lengthened from 10 to 14 days. Mr. Corbett explained that with the increasing number of courses available to the students, there was a corresponding difficulty in setting up a smoothly-flowing, no-conflict exam schedule, and that lengthening the exam schedule should help alleviate this problem. He also stressed the fact that there would probably be no exams on January 3, unless absolutely necessary.

The standard Wake Forest Law School semester consists of 17 weeks, 15 weeks in classes and 2 weeks in exams. As Mr. Corbett put it, "Our standards are a little better than minimal." The minimum length of a semester in many parts of the country is 15 weeks total, for work and exams. This may seem unimportant until one realizes, for example, the furor that was created when it was discovered that Duke students, because of the length of their semesters, would not be qualified to take the New York Bar. The structure of the semester, as well as its length, is therefore an important question to be worked out.

by Rebecca Ferguson

PROFESSOR PETRO RECOVERING

Professor Sylvester Petro was hospitalized September 3 after suffering a heart attack. Professor Petro joined the Law School faculty this spring and was preparing to begin his first semester of teaching. Although classified as a "serious" heart attack, the professor's condition stabilized, and after a brief period of intensive care at Forsyth Memorial Hospital he returned to his Winston-Salem home for recuperation. Dean Bowman reports that Professor Petro is making "good progress," and it is hoped that he will be able to resume his teaching activities next spring.

THE HEARSAY

The Wake Forest Student Bar Association has established a newspaper for the law school this year. Called *The Hearsay*, the new school newspaper was created to fill the ever increasing need for communication among the law school community caused by the rapid increase in enrollment, faculty, and staff members.

The small staff is comprised primarily of students from the second and third year classes, but the editors hope to interest more first year students after the initial "break-in" period.

The Hearsay will offer a varied bill of fare to its readers this year--including hard news, editorial comment, editorial cartoons serious, and humorous features and sports. It is hoped that *The Hearsay* will create a healthy atmosphere of give and take among all individuals and groups as well as promote the goals of the students, the faculty, and the School of Law.

By Sam Villegas
Editor-in-Chief

PROFESSOR ROSE JOINS FACULTY

Charles P. Rose, Jr. is the newest member of the Wake Forest law faculty. Mr. Rose, a native of Cleveland, Ohio, attended the College of William and Mary where he received a B.A. in history in 1964. He attended Case Western Reserve University in Cleveland where he was a member of the Law Review and received his J.D. in 1967. He became a member of the Ohio Bar in July 1967 and served as a staff attorney for the Cleveland Legal Aid Society.

In March 1968, Mr. Rose began a four-year tour of duty as a Judge Advocate General's Corps Officer in the U.S. Army. He served as an Infantry school instructor at Fort Benning, Georgia, for a year before being transferred to Korea where he handled criminal cases for the prosecution as well as the defense. He served his final two years as an instructor at the Judge Advocate General's School, Criminal Law Division, in Charlottesville, Virginia.

In January of 1972, he became a member of the faculty at the University of Akron School of Law. He came to Wake Forest in the fall of 1973, and as an Assistant Professor of Law, will teach Criminal Law and Procedure I, Legal Bibliography, Administrative Law, and Equitable and Legal Remedies.

By Gary S. Lawrence

FIRST YEAR STUDENTS: STATISTICAL SURVEY

The second largest entering class in the Law School's history began the fall semester with impressive credentials and distinguishing characteristics.

There are 128 entering students (the1972 first-year totaled 136). They represent the "cream of the crop" of 1,184 applicants.

As undergraduates, these men and women had a "B" average (3.0 quality point ration on a 4.0 scale); the range is 2.2 to 3.8. The Law School Admission Test yielded a range of scores from 467 to 723, an overall average of 601.36.

Seventeen new women students entered, bringing the total of women students now enrolled to 41. Twenty three percent of the class bring spouses with them to the law school community. One minority racial group representative is in the "Class of '76".

In keeping with tradition, the majority of newcomers, 65% in fact, are natives of North Carolina. However, Wake Forest produced only 27 of the first year students. The University of North Carolina at Chapel Hill sent 29 new law students. The third largest group was from Davidson College with 8 students. In all, fifty-one undergraduate colleges and universities are represented.

Herring *O'Neal* *Swann*

A NEW ERA IN PLACEMENT

The old days of law students having to scramble for jobs on their own have finally come to an end. For years, law students had overwhelmingly expressed a desire to have a permanent placement director assist in placing graduating students and summer clerks. The Student Bar Association responded with a SBA Placement Committee, chaired by someone who could give as much attention to the needs of the students as his time would permit. It was the work of the SBA Placement Committee that began the pendulum to swing in the right direction.

For the school year of 1972-73 the SBA Placement Committee was chaired by Mr. Marvin Pope, whose record was nothing short of excellent. Mr. Pope procured 92 interviews and placed 74 graduating seniors from a class of 102. The average law firm salary was $11,170.00; the average non-law firm salary was $10,548.00. Virtually every senior who registered with the placement office secured employment. As Mr. Pope's successor, The Student Bar Association elected Mr. Willie A. Swann as Chairman of the SBA Placement Committee for the school year of '73-'74. Thanks to Mr. Swann and Mrs. Sandra O'Neil, Placement Secretary, the Graduate Brochures were mailed earlier this year than any of the previous editions. Mr. Swann stated that his goal will be . . . "to coordinate the efforts of the placement office and the SBA to insure that the changing needs of the graduates in job placement will be reflected in the programs of the placement service." But like all students, Mr. Swann's time is obviously

limited; and it was the realization of this fact which prompted action that will hopefully ease the burden on law students to find jobs for themselves.

For the first time in the history of the Wake Forest University School of Law, a permanent Placement Director has been hired. Mr. Buddy O.H. Herring has joined the staff of the School of Law as Director of Law School Placement activities, Director of Law School Recruiting program, and Aide to the Dean's Office in interviewing applicants for law school. Mr. Herring received his B.A. degree from Wake Forest University in 1968 and his J.D., *Cum Laude*, from the Wake Forest University School of Law in 1971. He engaged in the general practice of law with Koizim & Tirola, Westport, Connecticut from 1971-1973. He is married to Charlanne F. Herring, a 1969 graduate of Wake Forest University, who is a French teacher at Bishop McGuinness High School. Mr. Herring stated that his goal in his position as Placement Director will be to expose students to a variety of jobs and place all 110 young attorneys from the third years class.

NEW COURSES FOR 1973-74 SCHOOL YEAR

In accordance with the law school's desire to give its graduates an increasingly broad background in the law, several new or revised courses are being offered to the second and third year classes.

The old Corporate Securities course has been divided into Corporate Finance (fall) and Securities Regulation (spring). Both of these are two-hour courses and are taught by Mr. David Shores. In order to give each student a basic knowledge of taxation without overloading his schedule and to provide for specialization if a student desires it, the taxation curriculum has been divided into three courses, taught by Mr. Shores. Taxation I, taught in the spring of the second year, covers both Income and Estate and Gift Taxation in four hours. In the fall of the third year, students are offered electives in Estate and Gift Taxation and Business Taxation in two two-hour courses.

An advanced course in Criminal Law and Procedure with emphasis on procedure has been added to supplement the first-year course. This third-year elective is taught in the fall by Rhoda Billings, ex-judge and member of the Criminal Code Commission.

Mr. George Walker will teach a two-hour course in the spring on Environmental Law. This is a relatively new area in the law, but one which many feel will be of increasing significance in the future. Mr. Walker will also be teaching a new two-hour course in the spring on Federal Courts.

A two-hour course in Estate Planning has been added for the spring semester for students who do not get into the Estate Planning Seminar, but desire to have some background in the field. It will be taught by Mr. Faris.

Mr. Sylvestro Petro was scheduled to teach a seminar entitled "Government and Private Monopoly in a Free Society." However his illness has caused cancellation of that course and may preclude his teaching an advanced course in Labor Relations scheduled for the spring semester.

By Charles Coppage

LAW SCHOOL ORGANIZATIONS

STUDENT BAR ASSOCIATION

The Student Bar Association continues to re-affirm its role as advocate and servant for the law students of Wake Forest University.

As an advocate, the SBA in the present academic year will attempt to eliminate the Saturday class policy which has irritated many law students in recent years.

The law school is functioning under a revised school calendar with examinations beginning the first day after the Christmas holidays. As the law students proceed into the academic year, the SBA will seek students' opinions and judgments on the calendar, and if necessary, promote constructive changes.

The SBA would also like to see Wake Forest University School of Law join the large number of American law schools which utilize an anonymous grading policy for examinations.

As a servant of the students, the SBA is constantly planning new activities and evaluating the possibility of modifying its present standard programs. The SBA is now sponsoring *The Hearsay,* the law school's first newspaper. The SBA is considering a possible change in the annual Law Day program which would involve an activity sponsored jointly by the SBA and Moot Court. Also on the drawing board is a consumer protection symposium for the late fall.

The SBA is happy to see the much needed expansion of the Placement Office, especially with the hiring of Mr. Buddy Herring as full-time Placement Director, and Willie Swann, a third year law student, as Student Liaison.

By Nick Staffieri
Chairman of the SBA

LAW REVIEW

This year the staff of the *Wake Forest Law Review* will continue its effort to furnish the legal profession with scholarly comment on current legal topics, by publishing articles by experts in various fields and comments and notes by student contributors. In the process, participating students will be given the opportunity to gain valuable experience in legal research and writing. More students than ever before will be taking part in *Law Review* activities, and hopefully this staff growth will result in continued improvement in the *Review*.

Serving on the Board of Editors are Joseph C. Moore III, Editor-in-Chief, Raymond A. Parker II, Managing Editor, Richard V. Bennett, W. Joseph Burns, W. Thompson Comerford, Lee A. Faulkner, Edward J. Harper II and Laura A. Kratt. Associate Editors are Malcolm B. Blankenship Jr., Grover A. Carrington, Richard L. Coffinberger, L Holt Felmet, Paul E. Pinson and Berrell F. Shrader.

By Joseph C. More III,
Editor-in-Chief

MOOT COURT

In its short, two-year history at Wake Forest University, the Moot Court Board has achieved wide involvement in the curriculum. Presently operated by a Board of twenty Justices, the program features appellate advocacy experiences ranging from first year Legal Bibliography to third year arguments of actual cases before the Fourth Circuit Court of Appeals.

Legal Bibliography and Practice Court II

A student's first involvement with the Moot Court Board comes in the second semester of the first year in Legal Bibliography. The Justices prepare hypothetical cases which the first year student briefs and argues before a panel of student Justices. Acting as advisors, the Moot Court Justices help the students in this first introduction to brief writing and oral argument.

During the second and third years, the Board selects records of actual cases on appeal which are then argued by students in Practice Court II before panels of student Justices and local attorneys. This phase emphasizes more advanced techniques since the student must analyze a whole record just as an actual attorney of record does in his appeal. In both of these courses, the Justices work under the supervision of a professor who has final control of the course.

Extramural Competition

Another responsibility of the Board is to field teams to compete in the National and International Moot Court Intercollegiate Competitions. These teams argue hypothetical problems on various topics, in competition with other schools in this region for the chance to enter national level competition. Last year, for the first time in a number of years, the school fielded teams in both national and international competitions and interest in these competitions is running very high again this year.

Clinical Problems

An outgrowth of these moot arguments has been work on actual cases being heard before the Fourth Circuit Court of Appeals and the Court of Military Appeals. This project comes under the direct supervision of Professor Walker, and the Board's area of concern is to provide him with students who have had substantial prior involvement with other aspects of our program. Under special rules in both of these courts, students help prepare briefs for cases on appeal; in the Fourth Circuit, third year students can also argue the case before the court.

Summary

All of the programs summarized above are designed to achieve a major aim of the Moot Court Board to provide the opportunity for all students to research, brief, and argue cases under circumstances that are as near as possible to what they will encounter in their future practice.

By Larry Bowman
Chief Justice of Moot Court Board

PHI ALPHA DELTA LAW FRATERNITY

The Timberlake Chapter of Phi Alpha Delta is proud to again receive the award for being the "Most Outstanding Chapter in the Nation." This award is given annually by the Executive Council of P.A.D., and is accompanied by a $300.00 scholarship which is awarded to a P.A.D. law student at Wake Forest. Timberlake is fortunate in that this chapter has been awarded this prize every year it has been eligible to receive it, save one. In the years Timberlake was ineligible because of being the previous year's winner, the chapter was awarded the "Continuing Excellence" award, and an additional scholarship.

The primary reason for Timberlake's continued success has been the professional programs which the chapter has presented for

Professor Sizemore and his Dobro at a PAD Function

the benefit of the Brotherhood and the community. For example, one of the most successful presentations has been a mock trial presented to high schools in Forsyth County, with the students of Wake Forest portraying the attorneys and the court, and the high school students acting as defendants and witnesses. Not only did the high school participants and viewers gain a better insight into the realm of the legal profession, but the law students obtained an opportunity to develop speaking skills and experience.

Along with the professional programs presented to the Brotherhood in the nature of lectures by key legal professionals, Timberlake has served the law school with the continuation and expansion of its own library. The library, located in the law school dormitory, is open twenty-four hours a day for the use of P.A.D. members, and contains North Carolina Reports, encyclopedic materials, and hornbooks. In keeping with Timberlake's intentions to expand the library, we tentatively plan to rent an off-campus residence for the use of our single members and visiting alumni. Plans for such a move are now underway, and will be announced in the upcoming months.

Timberlake Chapter is proud of its record of achievements in law school service and service to the legal community, and is equally proud of the services its members are continuting to render in the years after graduation from Wake Forest. We are looking forward to another year of service to Wake Forest, and hope that the members of the legal profession and the alumni of Wake Forest School of Law will not hesitate to contact Timberlake if the Brotherhood can ever assist them.

Robert D. Walker
President
Timberlake Chapter
Phi Alpha Delta

PHI DELTA PHI NEWS

Ruffin Inn of Phi Delta Phi Legal Fraternity experienced another year of success and expansion in 1972-73. Forty-five new members were initiated in the spring bringing the total membership to 130. Academically, the Phi's came out on top of both fraternities and independents for both the spring semester and the year as a whole. Jody Moore, a third year Phi, was selected as editor of the Wake Forest Law Review for the 1973-74 school year.

Social events included rush parties in the fall, a Christmas party with the faculty and administration, Steeplechase Weekend in the spring, and numerous mixers with Salem College and the women's societies on campus.

Lt. Governor Pat Taylor was the guest speaker for the Rush Smoker in the fall and

Commissioner of Insurance John Ingram headed a distinguished panel in a discussion of No-fault Insurance at a joint seminar with the PAD's in the spring.

At the Phi Delta Phi Convention held at the L'Enfant Plaza in Washington during the summer, a second year law student from Georgetown University Law School was elected to the Council of Phi Delta Phi International becoming the first student ever elected to the governing body.

In athletics, the Phi Dream Team made it to the campus finals in football, and other Phi teams excelled in basketball, volleyball and softball in campus intramural competition.

New officers for the coming year are: Joey McConnell, Magister; Chris Bean, Vice-Magister; Durwood Laughinghouse, Exchequer; Tyler Warren, Clerk; Sam Carlisle, Historian; Lawson Brown, Rush Chairman; Mary Murrill and Nick Dombalis, Social Chairmen; and Eddie Poe, Athletic Chairman.

Many social events are planned for the fall including Homecoming and a Christmas Party. All alumni are cordially invited to attend all Phi functions. Looking forward to another great year.

Joey McConnell, Magister

L.S.D. - A.B.A.

LAW SCHOOL IS MORE THAN JUST BOOKS

For those of you who are not familiar with the Law Student Division of the American Bar Association, or what it stands for, I will attempt to explain in the next few paragraphs its basic objectives and benefits to the individual law student.

The L.S.D. occupies the status of a section within the A.B.A. and as such, receives support from it in the form of staff and secretarial help, office space, computer use, and most importantly, funding which is usually granted to the school on a matching basis for specific student projects. Last year, Wake Forest received a matching grant of $300 for establishing a minority recruitment program, which was student operated and under the direction of Terry Lee, a third year student.

Any student attending law school is eligible for membership upon sending the yearly membership fee of $3.00, and a completed application which may be obtained at the S.B.A. office or from the school's L.S.D. representative.

The enumerated objectives of the L.S.D. are:

(1) to further academic excellence through formation and revision of standards of legal education,

(2) to promote the involvement of law students in the solutions of problems which confront today's society,

(3) to become involved with and participate fully in the direction and aims of the organized bar, and

(4) to promote professional responsibility.

The specific benefits of the L.S.D., which are included in the initial fee of $3.00, are:

(1) Subscription to *Student Lawyer*, (a monthly publication), and *Student Lawyer Letter;*

(2) Opportunity to join any three of the twenty one sections of the A.B.A. at the reduced rate of $3.00 per section;

(3) Opportunity to purchase low cost life and health insurance;

(4) Reduced subscription rate for the *A.B.A. Journal*, ($1.50 per yr.);

(5) Opportunity to join the Lawyer Placement Information Service at the cost of $10.00;

(6) Opportunity to purchase A.B.A. published books and pamphlets on specific topics at reduced rate.

Most importantly however, by participating in L.S.D. worshops and by becoming active in the specific sections which interest you (i.e. Criminal, Tax, Property, Family Law, Insurance, etc.), you obtain greater awareness of the problems surrounding that particular area of the law and its resultant effects on society, with a certain clarity not present in the average law school casebook.

Law school should be, and is, more than just books.

John W. Brown
L.S.D. Representative

B.A.L.S.A. Established

The 1972-73 academic year saw the establishment of the Minority Recruitment Committee. With the dedication of the working membership, eight colleges and universities in North Carolina were visited. All are predominantly Black. Interviewed were twenty-six students, five of whom were juniors. Of the twenty-one students eligible to apply, seven did so. Of the seven applicants, one was accepted for the 1973-74 academic year.

There is a phrase among residents of Black communities across the nation. Its three words, "Do For Self," have urged the people to re-assess their values and fervently begin to gain an independent consciousness. This is the foundation of the Black American Law Students Association, known as B.A.L.S.A.

B.A.L.S.A. will continue the recruitment efforts of the past year, and it is hoped that law students who have a desire to help will make that desire known.

Today, most law schools are aggressively recruiting not only Black students but Indians, Chicanos, and Orientals, all of whom previously have felt only a sprinkle from the mainstream. Various special forms of considerations have been given in order to increase the number of minority students enrolled. This does not mean that the academic standards should be lowered. Promising, but deprived, minority students should be admitted under modified standards, but should never be graduated on such a basis. Anything else is patronizing.

Economic anxiety should be diminished whenever possible, for poor students of all races. As applied to law schools, this means that every effort should be made to prevent economic considerations from hampering a minority student's studies.

The aims of B.A.L.S.A. for the 1973-74 academic year are:

1. Recruitment of minority students, to include Blacks Indians, Chicanos, Orientals, and women of all races;
2. The establishment of scholarships for minority students
3. A definite modification of admissions requirements for minority students; and
4. Recruitment of Black faculty members

It is to be remembered that B.A.L.S.A., as an organization, desires to work with the functioning student organizations, to become a viable part of the law school. Every organization recognizes a responsibility to itself, but they should also recognize the need for cooperation with and understanding of other groups whose functions and ideas may be different but are equally important.

Terry Hart Lee,
Chairman, B.A.L.S.A.

FEATURES

The Sizemore-Ervin letters

Last spring, at a time when the Watergate inquiry by the Senate was just beginning, Senator Sam J. Ervin, Jr., D-North Carolina, made some public comments, in a lighter moment, which evoked a scholarly reaction from Professor James E. Sizemore. The results are printed below. Quaere, are these letters the "Best Evidence" of wit on the subject of witnesses?

April 19, 1973

Honorable Sam Ervin
Senate Office Building
Washington, D.C. 20013

Dear Senator Sam:

The Winston-Salem morning paper carried your story at Davidson College concerning the testimony of Martha Mitchell before your Committee which is investigating the Watergate affair. I read with amusement your story of the minister who wishes to testify before the Committee what the Lord has told him about the Watergate affair. You told him that you were worried that people would criticize such testimony on the ground that it is hearsay. You are certainly correct in saying that such testimony would be hearsay. However, I trust that you have not been off the bench long enough to forget that hearsay testimony is often admitted by the courts when two things concur:

(1) When there is a necessity for the evidence. There would certainly seem to be a necessity here since it appears that the witnesses who know anything about Watergate are resisting an appearance before your Committee. The necessity rule has been applied in much less stringent cases than yours.

(2) When the evidence is highly reliable. The reliability factor is present in the minister's situation. First of all, he is a minister of the Gospel prepared to testify under oath. The average man in the street would take his word as truth, although I'm sure that many courts would hesitate to do so. Moreover, since he is going to testify what the Lord has told him about Watergate, it would seem that what the Lord says is unusually reliable.

Moreover, quoting from no less an authority than St. John's Gospel, Chapter 8, beginning with Verse 16 where Jesus said: "Yet even if I do judge, my judgment is true, for it is not I alone that judge, but I and he who sent me. In your law it is written that the testimony of two men is true; I bear witness to myself, and the Father who sent me bears witness to me." Since the minister declares that the Lord is his compurgator, it seems that even a gentile should give credence to this Jewish principle of corroboration.

Therefore, I would suggest that as the presiding officer of the Committee in a quasi-judicial capacity that you consider this modern exception to the hearsay rule to permit the Lord to tell us what He knows about Watergate. In His wisdom, He probably knows that no one else is going to tell you the truth about it.

With best wishes and kind personal regards, I am,

Sincerely yours,

James E. Sizemore
Professor of Law

May 7, 1973

Honorable James E. Sizemore
Professor of Law
Wake Forest University School of Law
Box 7206, Reynolda Station
Winston-Salem, North Carolina 27109

Dear Jim:

I have received and read with much interest your intriguing letter of April 19, 1973, and am almost--but not quite--persuaded by it that I should permit the minister to testify to what the Lord told him about the Watergate.

I am afraid, however, that if he talks as long on the witness stand as he does on the telephone his testimony will never end.

With all kind wishes, I am

Sincerely yours,

Sam J. Ervin, Jr.

VIEWPOINT

AN INTERVIEW WITH THE ATTORNEY GENERAL

Robert Morgan, Attorney General of North Carolina, took a few minutes from his crowded schedule to talk with the Jurist *about some topics on his mind of interest to lawyers and law students. His remarks touch on law, administration, politics, and throughout philosophy.*

ON THE CRIMINAL CODE COMMISSION AND PROPOSED CRIMINAL PROCEDURE:

I think that this is the best and hardest working commission I have ever known. It is balanced between the liberals and conservatives as they interpret criminal laws, or between prosecution and defense, if you want to put it that way. There are some good defense lawyers on it, and some good prosecutors, and good judges. There's a very fine layman on it, the head of the philosophy department at East Carolina. The Code is probably as well balanced as you'll ever find. And I believe the legislative committees are looking with favor on it.

. . . . .

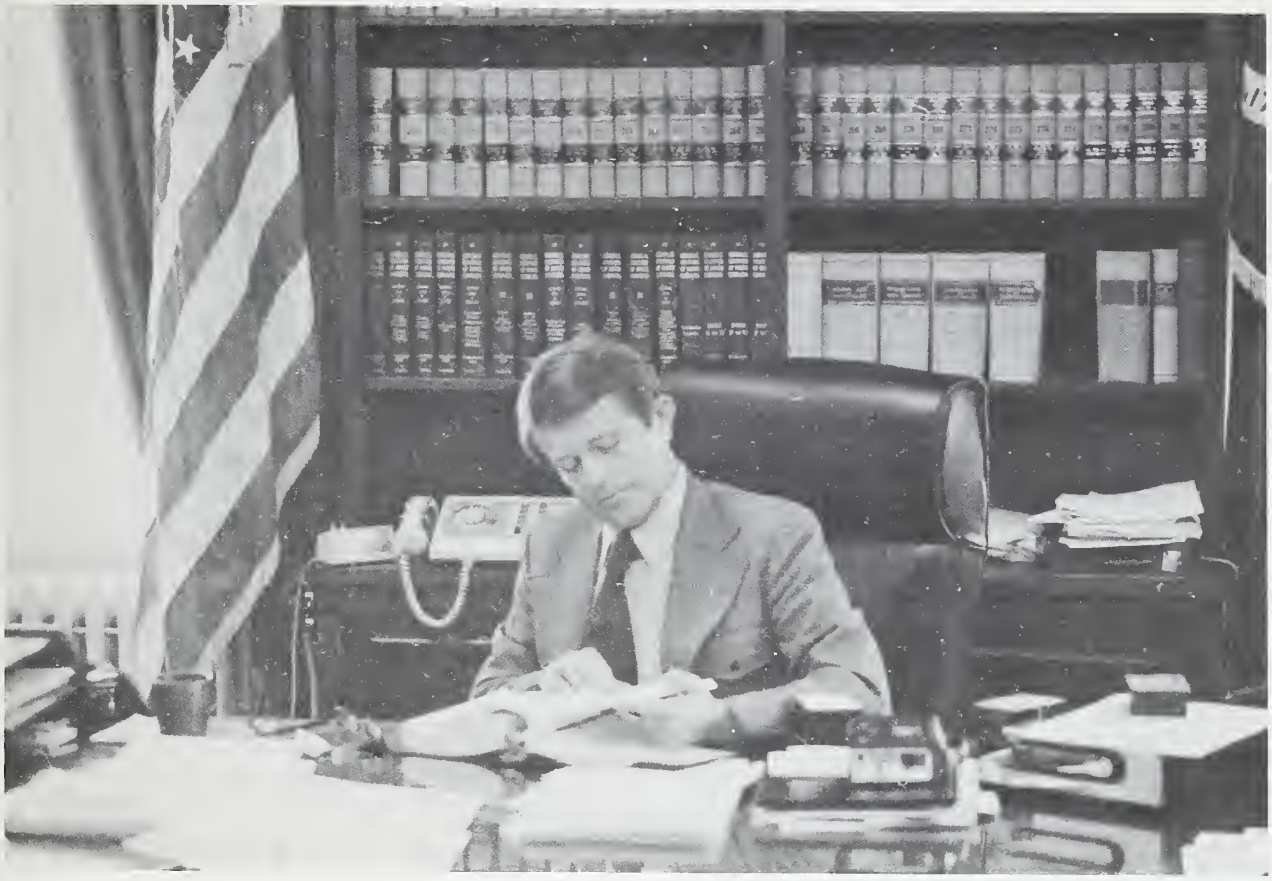
The Commission and I both have represented to the legislative committee that the proposed code is really a limitation on "No-Knock" procedures that is much stricter on state officers than the present law. I call your attention to *State v. Watson*, 19 N.C. App. 160. It has always been the custom and practice in this state that, in unusual or emergency situations, the officers could get in without knocking, although the law doesn't spell out now what they can do once they enter. So you see, if the new code were adopted, it would be a restriction on the present law; but unfortunately, this is not the way the proposal is being interpreted by many people. They interpret it as giving official sanction to "No-Knock." Maybe it does to the extent that it would permit it, but even so, it's much less than it presently is.

. . . . .

Another provision in the Code would permit wiretapping. Now I am, and have always been opposed to wire tapping, and there has not been any wiretapping in this department while I've been attorney general, to my knowledge. And here again, I don't know that I would even favor a provision in the criminal code proposing it. But there is an argument that it's much stricter than the wiretap provisions in other states, and that if we don't permit the state officers to have some reasonable guidelines, they simply will pass it on to the federal officers, who can get permission to tap much easier than state officers could under this code. But never-the-less I think the way the wiretap provisions are being interpreted would jeopardize the passage of the entire code, and I'm willing to see it taken out.

ON THE OFFICE OF ATTORNEY GENERAL:

When I came here five years ago the staff was about half the size it is now. The SBI was about a third as big as it is now. The crime lab almost did not exist; and the police information network didn't exist at all. Then I was able to argue cases myself. I've been into the Supreme Court of North Carolina arguing cases; I've personally argued some cases in the U.S. Supreme Court; but unfortunately, now my time is taken up



primarily with administrative matters and seeing people, and frankly, I didn't set out solely to be an administrator. And while it's true that I do make policy decisions, I feel sometimes that ninety percent of those decisions are made before they get to me, by an assistant or a deputy who has already done the research and background work. He briefs me on what he believes the facts to be, gives me his opinion and unless there's a glaring hole in his argument, I usually don't have any choice but to accept his recommendation . . . And that's the one thing about the office that I don't like. I love the activity and the challenges, but I do wish we were still small enough so I could be more of a lawyer and less of an administrator.

. . . . .

The effect of annual legislative sessions on this department is this: this office has always been involved in drafting most of the legislative bills and this is the way I think it ought to be. First of all, a man who has to defend a piece of legislation once it's been enacted is apt to be much more careful than one who is going to draft it and have no more responsibility for it. Secondly, a man who is in the courts every week or so, like the attorneys in this office are, look at it from a little more practical aspect than would someone who has not been in the courts and had the give and take of iit . . . For that reason I've always felt that it is good for the attorney general's office to do legislative drafting. And we did it very well, when the Legislature met every other year. But I suspect that one session we drafted as many as 4,000 bills; you can see the whole office

would come to a standstill if we had to do that every year. I understand that there's a movement afoot now in the Legislature to hire their own attorneys. And I've about decided that that's alright with me.

ON THE HOLDING OF PUBLIC OFFICE:

As I have said, unfortunately I'm now an administrator. And that's one reason I wouldn't want to be governor. The governorship is the worst job that a man who really wants to do something can possibly hold, in my opinion, unless he's a natural born administrator; and of course there are some people like that. Other than saying you've been chief of state, I know of few things really enticing about being the governor of this state.

I like what I'm doing as attorney general, but I think I would like to serve some time in the Senate in Washington. I think there, in the long run, a person can contribute a great deal to good government in the country and at the same time get more personal satisfaction out of it. And it seems I'm going to have to run pretty soon or else it wouldn't be fair to the people, because you have to stay in the Senate a number of years before you ever get enough seniority to really be effective. If I'm going to wait until I'm fifty years old to run, then have to stay there eight or ten years to be effective, then I would have fewer years left for service. I'm going to have to make that decision this time, but I don't know what it'll be yet.

STUDENT INTERNS SEE LIMITED PRACTICE

By H. Richard Moore

Six Wake Forest law students were certified this past summer by the North Carolina State Bar to participate in legal internship programs in the District Courts of North Carolina or in legal aid to indigents. They were certified by the State Bar upon the recommendation of their various supervisors and the Dean of the law school after a period of observation, pursuant to the "Third Year Practice Rule."

The rule authorizing this limited practice by third year law students was drafted by representatives of the state's law schools, adopted by the State Bar, and sanctioned by the North Carolina Supreme Court in March.

The stated purpose of the rule was three-fold: (1) To make "available competent legal services for all persons including those unable to pay for these services;" (2) to provide "assistance to attorneys representing clients unable to pay for such services;" and (3) "to encourage law schools to provide their students with supervised practical training."

The rule basically provides for a limited "practice" by those students who become certified in the area of indigent counseling and representation under the supervision of licensed attorneys. However, due to a rather restrictive interpretation, no one from Wake Forest was certified to practice other than in the Legal Aid Office and in the Solicitor-Defender Program of the State Internship Department, funded by the Law Enforcement Assistance Administration (L.E.A.A.).

Only one Wake Forest student, Ms. Carole Dotson, was directly involved in legal aid to indigents. Ms. Dotson served with the Legal Aid Office in Winston-Salem, N.C. and worked primarily in research on a project concerning criminal non-support cases. She was supervised by Dr. Hugh Divine of the

Wake Forest law faculty and did not directly represent any indigent clients. Ms. Dotson is presently coordinating volunteer work by students with the Legal Aid Office during the present academic year.

Five other Wake Forest law students participated in the Solicitor-Defender program. They were: Larry Bowman (21st Judicial District, Winston-Salem, N.C.), Mary Jane Divine (30th District, Sylva, N.C.), Holt Felmut (11th District, Smithfield, N.C.), Dick Parker (1st District, Elizabeth City, N.C.), and Ken Knight (18th District, Greensboro, N.C.) who is presently continuing his work there. They were under the observation and direction of Professor Richard G. Bell of the Wake Forest law faculty, to whom they made periodic reports which were forwarded to the North Carolina Internship Office. Professor Bell's role in the program was more in the nature of an advisor than that of a supervisor, and no academic course credit was received by any of the students in the program.

These five were under the direct supervision of the various Assistant District Attorneys. Of this group, only Ken Knight was involved in work as a defender, while the others worked with the District Attorneys in the preparation of cases and prosecution of defendants in the L.E.A.A. federally-funded program.

Approximately 20 students from the four law schools in the state participated in the L.E.A.A. internship program, which is in its third year. Wake Forest, with its five, had more than either Duke or Carolina, but not as many as N.C. Central. Central students have had the greatest number of persons allotted for the program in each of the three years, possibly because the program originated there. Participants are limited to third year law students who have completed two-thirds of the requirements for the J.D. degree or its equivalent, and have been certified by the North Carolina State Bar and the Dean of the law school which they attend.

The experiences of these students were varying and diverse. All were restricted to the criminal area, in misdemeanor cases on the District Court level under Part C of Article VI of the rule. No Wake Forest students prosecuted or defended clients without supervision, although a few were allowed to prosecute the dockets for the state. Most were actively engaged in the administrative aspects of the case, such as legal research, interviewing, docketing, compiling evidence, drafting briefs, motions and appeals, taking testimony, aiding in jury selections, investigation and observation. Almost all of the students expressed the value of practical experience which they gained by exposure to various styles, methods, and settings in the legal arena. One student said that they encountered cases ranging from cattle rustling to murder.

The future of the L.E.A.A. Solicitor-Defender Program is in doubt. Federal funding will have to be supplemented or replaced by state moneys. This will depend largely on the impact of the program, especially among the State's judicial officers and administrators. It is believed in some circles that there is a fear that the rule, if not properly implemented or interpreted restrictively, will result in an overly broad practice by persons not fully qualified to counsel and represent. The quality of the present programs and of the work exhibited by these persons from Wake Forest should aid in dispelling that fear.

The basic criticisms expressed by those involved in these programs were that the rule was not extensive enough and that the

purpose of the rule is being hampered by a restrictive interpretation of the rule's content. Some participants made the statement that there appears to be some lack of understanding by some judges and others as to the nature and purpose of the rule and the various programs under it. Dean Bowman noted that the wording of the rule necessitates too much interpretation. Furthermore, he observed that the interns are widely dispersed, naturally causing difficulty in supervision by the law school. His opinion is that the programs should be continued in the future but that the decision would not depend upon the law school at Wake Forest.

Dean Bowman stated that all reports concerning the program have been satisfactory and that the faculty and administration at Wake Forest are pleased with the quality of work thus far displayed. He expressed the opinion that the basic purpose of the third year practice rule is good, and that it will be as useful as there are meaningful ways that it can be found to be used. Thus far, he views the Solicitor-Defender Program as the best means of implementing the rule.

There appears to be no uniform policy expressed by the law school at Wake Forest regarding internship programs. Generally, the attitude is to provide an opportunity for all students to benefit by practical legal experience, as well as the theoretical, and to encourage students to take advantage of these opportunities. Some members of the faculty are inclined to be optimistic, yet cautious to the dangers involved in a changing curriculum heavily weighted towards the extra-curricular. They tend to be in favor of programs such as these which are mainly for summer work and designed to bring the practical experience in to bear on the student's class instruction, rather than clinically-oriented programs as a substitute for a sound, basic legal preparation.

The First Year Class Completely Fills Classroom in New Addition

NEW FORMAT USED FOR 1973 BAR EXAM

by Charles Brewer

The North Carolina Bar Examination, always a source of apprehension for graduating law students, featured a new dimension in its 1973 edition–the Multistate Bar Exam. Actually, the multistate section was only weighted as one third of the total exam; but being on an unknown quantity it attracted a disproportionate share of the attention given to the Bar Exam. The multistate exam consists of 200 multiple choice questions covering five courses. It is given by the National Conference of Bar Examiners and graded by the Educational Testing Service of Princeton, New Jersey. Robin Hinson, who instituted the North Carolina Bar Review Course, is very much in favor of the adoption of the Multistate section, but he also favors the retention of the essay segments of the Bar Examination. The multistate bar exam provides good balance and is a good direction in which the law examiners should go according to Hinson. It is a "very difficult exam and should be," he said, pointing out that it provides a good basis of comparison with law students from other states. In reviewing the results of this year's exam, Hinson said that two people failed the Bar Exam as a result of their performance on the multistate section despite having performed acceptably on the essay sections; but on the other hand, 15 people passed the Bar Exam as a result of their multistate performance which pulled up their failing marks in the essay sections.

Mr. Fred Parker, Executive Secretary of the North Carolina Board of Law Examiners, said that the correlation between the performance on the essay section and the new multistate section was "very close." The passing mark on the Bar Examination is 70%. The Board of Law Examiners, Parker said, decides each year whether or not to include the multistate section in the Bar Examination and what weight to attach to it. The Board may make these decisions for the 1974 Bar Examination at their October meeting. Parker said that the essay sections are graded exclusively by members of the Board of Law Examiners who are appointed for three year terms by the Council of the State Bar. He reports that 429 out of the 489 who took the Bar Examination this year passed. Approximately 25% of those taking the exam attended law schools in other states.

Wake Forest graduates traditionally fare very well on the North Carolina Bar Exam. Of those taking the Exam this year 88 were graduates of Wake Forest, 87 of whom passed. The Bar Exam was attempted by 78 Wake Forest graduates in 1972 with 77 passing. In 1971, only one out of 49 Wake Forest graduates failed. However, the memory of the 1962 exam in which only 50% of our students passed lingers even now.

Concerning the 1974 Bar Exam, Mr. Parker said that the tentative date is July 30th-31st and August 1st. The final date for application to take this exam is January 10, 1974. Mr. Hinson said the Bar Review Course will be conducted for six and one half weeks with a one week break between the end of the course and the commencement of the exam. While the course materials have not changed appreciably with the advent of the multistate exam, the lectures are directed to more general principles of law and to discussions of majority and minority rules. With the results of the multistate section being so comparable to that of the essay sections, it's a good bet that the Multistate Bar Exam is in North Carolina to stay.

PARKER NAMED FIRST EXECUTIVE SECRETARY OF LAW EXAMINERS

Fred P. Parker, III has been named the first executive secretary of the North Carolina Board of Law Examiners. The post is one newly created by the last General Assembly in an effort to provide additional resources for the regulation of the legal profession in North Carolina.

The Executive Secretary will be responsible for the administrative duties of the Board of Law Examiners, such as administering the State Bar Examinations and investigating the character of applicants. Previously such duties were handled by the Secretary to the State Bar. Mr. B.E. James remains in that office.

Mr. Parker, son of Fred Parker, Jr., longtime county attorney for Wayne County, is a native of Goldsboro where he attended public schools. He received his undergraduate and law degrees from the University of North Carolina at Chapel Hill. From 1964, when Mr. Parker was admitted to the North Carolina Bar, until 1970, he served as trial attorney with the North Carolina Attorney General's Office. From October 1970 through May of 1973, he served as Executive Secretary of the North Carolina Bar Association. Parker is a member of the Bar Association's Penal Study Commission. He is a member of the Wake County, North Carolina and American Bar Associations.

Mr. Parker is married to the former Elizabeth Anne Graham of Miami Shores, Florida, and the couple have one daughter and are expecting their second child.

W. Carroll Turner

Dr. Robert E. Lee addressed the new law students at orientation this fall. His speech, printed in part below, reflects upon the history of the Law School and reiterates some traditional remarks made by Dr. Lee to novices.

THE WEDDING OF THE BEGINNING LAW STUDENT

(Delivered on September 1, 1973)

Today marks the beginning of the 80th year of the Wake Forest Law School. I came upon its campus as a student 30 years after its establishment. At the time it was producing about half the lawyers in the State of North Carolina . It was already a great Law School.

It has been my good fortune to be present, either as a student or as a teacher, at every

structural change of the Wake Forest University School of Law. When I enrolled as a student in 1924 at Wake Forest College, on its old campus more than a hundred miles from this site, all of the classes of the Law School were held in a single room, about 30 x 40 feet, located in the Heck-Williams Building. A third of this room had been partitioned off and was used as a library. There were no offices for the use of the three members of the faculty. Having no central heat, I well remember the big pot-bellied stove that attempted to keep the room warm during the cold winter months. In 1926 an addition was constructed on the rear of the Heck-Williams Building and the School of Law shared the second floor of this building with the Social Science Department and two literary societies.

With the passing of time, the Law School crowded out the Social Science Department and the two literary societies and became the sole occupant of the second floor of the Heck-Williams building. To accommodate a large enrollment after World War II, a wall between two of the four classrooms was removed, thereby creating a single room accommodating as many as 105 students. In 1956, after a wait of ten years, the great migration to the promised land in Winston-Salem occured. And only last fall we paused to celebrate the completion of the additions and changes to the second home of a Law School founded in 1894. Some of these changes are still in progress.

Compared with today's size of law schools elsewhere Wake Forest University has a small Law School. We are not trying to produce quantity, our emphasis is upon quality.

The student body is small enough to be a laboratory in human relations--a place where you can discover and make lasting friendships. Speaking to everyone is a Wake Forest tradition. You are automatically introduced to everybody else in the Law School. It pays lawyers to be friendly--get the friendly habit.

Today marks the beginning of your professional career. Some of you, for one reason or other, will never complete your course of law study and become practicing attorneys. Others, a large number I hope, will in the fullness of time become members of an ancient and honorable profession It is an important and significant day for all of you. As of today you became a student of the law. If you are successful, you will never cease to be a student of the law. In the practice of your chosen profession there will be very few days when there will not arise occasions when you must open a book in search of some legal principle.

In a very real sense, this is a wedding day for you. You have, as of this day, become wedded to the law. The law, especially the study of the law, will make certain demands of you–just as a wife will make certain demands upon a husband. Some one has said: "The law is a jealous mistress." She demands constant wooing. She will not tolerate infidelity. She is jealous of those persons and things that claim too much of your time and attention. If you are married, then I can assure your spouse that he or she now has a rival. You will fall in love with the law. You will in the future spend far more time with a law book in your hands than with a member of the other sex in your arms. Try to make that spouse or sweetheart of yours understand. Try to develop within yourself the capacity for two seperate and non-conflicting kinds of love. Don't wholly neglect the opposite sex. So exacting is the study of the law that you will need now more than ever the comforting relaxation that comes to one in the arms of a loved one. But I am warning you, from this time onwards most of your time will be spent with a law book in your hand. The law will get away from you if you are not in constant pursuit of it. "The law is a jealous mistress."

Make excellent marks for the social and

professional prestige which such brings. It is fashionable to study in the Law School. Your fellow students will respect you. Students in the Law School belong to the intellectual aristocracy on the campus.

You are a student of the law. I am one of several teachers of the law. We have been brought together for three years in a School of Law. Why? To study and understand the subject of law.

Law may be defined as a body of rules which the courts of a particular state will recognize and enforce. It is an agency of social control that has received the sanction of the sovereign state. Other agencies of social control that attempt to regulate human conduct are custom, convention, morals, public opinion, labor unions, trade association, the family, and the church. These nonlegal agencies may cause the creation of a new rule of law, or they may cause a new interpretation of an already existing legal rule. But they cannot create within themselves rules that will be enforced against a recalcitrant member of society in the established courts. If there is a clash between the law and other forces that control human behavior, the law is recognized as "ultimate." Law is the only system of social control that may be enforced by policemen, sheriffs, judges, and other officers of the government. It is a device for adjusting through the instrumentality of government our constantly clashing and conflicting human relations.

The primary sources of law are usually said to be: (1) constitutions, (2) statutes, and (3) common law (judicial precedents). Whenever there is a conflict between a statute and a principle of common law, the statute prevails. The constitution is paramount to both statutes and common law.

Law, then, is the rules of the game of life. The court acts as referee. If a player does not adhere to these rules, his property may be taken from him, he may be placed in prison, and he may even have to forfeit his life. He has no choice. He has to obey the rules whether he likes them or not, and ignorance is no excuse. Law is whatever the court says it is in a particular controversy.

Senator Sam Ervin Chats With Law Student Denton Bumgardner After a Recent Address to the Students on Campus

WILL OR WON'T THE WILL OF WILLIE WOBBLE

Editor's note: As part of the Bibliography course taught by Professor Walker last spring mythical facts were given to first year student "Dutch" Hostler to research and prepare a written appellate brief for oral argument. Mr. Hostler found another use for those facts. Certain it is that "Dutch" didn't lose the attention of the appellate court when he incorporated the rhyming couplets into his brief.

Willie Wobble wrote a will,
His nephew now contends its nill,
Which gave to Wanda, Willie's wife,
All that he'd amassed in life
And made her, so the words relate,
Executrix of his estate.

Will in his pocket along with his cash,
Standin' on a corner readin' trash.
Looked at a fold-out, Miss July,
Then at his wife and decided to die.
He'd have lived longer, don't you see,
If he hadn't noted the diversity.

Later in his coat they found
The document they now propound
To be his holographic will.
And Wanda wants us with our skill
To see the will is well probated
So she'll get all from her belated
(Less, of course, attorney's fees--
For a price we aim to please).

So to the Will of Willie Wobble
To see if we can end this squabble
In favor of poor Willie's wife.
(She gave him the best years of her life.
Will in Heaven sings or Hades burns
But she now expects her just returns.)
The language to the law conforms.
(It's straight from Am. Jur. Legal Forms.)
It's written in poor Willie's hand
And does what Willie said he'd planned
To do with his amassed estate
When he at last became the late.

Though Willie signed it in the text,
He left us for a while perplexed
For by mistake or by design,
He failed to sign the bottom line.
But N.C. judges have opined
That signing in the text is fine.

Alas poor Willie, cold and dead,
Used stationery, letterhead,
To write his holographic will.
But will that make his will all nill?
The N.C. judges, comin' through,
Say letterhead paper's all right too.

So Willie's nephew cannot laugh
For Will wrote a damn fine holograph.
It really shouldn't be much trouble
To prove the will of Willie Wobble.

Dorsey "Dutch" Hostler

RECENT DECISIONS AND LEGISLATION

ATTORNEYS' FEES: N.C. GEN. STAT. §6-21 (2) AUTHORIZATION.

Baxter v. Jones, 283 N.C. 327, 196 S.E.2d 193 (1973)

The plaintiffs instituted this action under the Declaratory Judgment Act requesting that a paper writing signed by Pearl Boyd Baxter be declared a valid trust agreement. In Gaston Superior Court, Judge Thornburg concluded the writing was insufficient to constitute a trust agreement and provided in the judgment " (e) That the costs of this action including reasonable attorneys' fees for the plaintiffs and the defendants, shall be taxed against the estate of Pearl Boyd Baxter, deceased; said attorneys' fees shall be assessed by the Court upon the completion of all appeals in this action, in such amount as to this Court seems proper. " *Baxter v. Jones,* 283 N.C. 327, 329, 196 S.E.2d 193, 194 (1973).

At 14 N.C.App. 296, 188 S.E.2d 622 (1972), the North Carolina Court of Appeals passed on this case and in its opinion by Judge Mallard gave a complete history of the proceeding. Judge Mallard stated that a superior court judge did not have the power "*to bind another judge by such a premature anticipatory and conditional rulling.*" (Supreme Court's emphasis)

The plaintiffs petitioned for attorneys' fees and other expenses of the proceeding after the Court of Appeals' decision was certified to the Gaston Superior Court. Judge McLean awarded counsel fees to plaintiffs' attorneys out of the estate of Mrs. Baxter. The defendants objected to this award and appealed.

The major issue in this case is: "Did Judge McLean commit error in awarding plaintiffs counsel fees and directing payment out of Mrs. Baxter's estate?" *Baxter v. Jones,* 283 N.C. 327, 330, 196 S.E.2d 193, 195 (1973). The court holds that he did and directs that Judge McLean's order be reversed.

A court's only authority for awarding counsel fees is statutory. Pursuant to N.C. Gen. Stat. § 6-21, a court, in its discretion, may tax the costs to either party in matters involving "(2) Caveats to wills and any action or proceeding which may require the construction of any will or trust agreement, or fix the rights and duties of parties thereunder . . . . " The Supreme Court holds that a caveat to a will is not involved in this case and neither is a construction of a trust agreement. The Superior Court, the Court of Appeals, and the Supreme Court all held that the paper writing was not a trust agreement. Without a trust agreement there can be no proceeding to construe it. Therefore, there is no statutory authority for awarding attorneys' fees in this case. In addition, the court notes that Judge Thornburg did not tax the fees himself, but, instead, tried to bind a future judge on this point. The court follows Judge Mallard's Court of Appeals opinion and states that both law and rules of practice forbid this action. Therefore, the court concludes that Judge McLean's order should be reversed because it was not authorized by N.C. Gen. Stat. § 6-21 nor was it required by Judge Thornburg's anticipatory decision.

RESEARCH BIBLIOGRAPHY

1 North Carolina Index 2d, *Attorney and Client* § 7

5 North Carolina Index 2d, *Judgments* § 5

2 North Carolina Index 2d. *Costs* § 4

N.C. Gen. Stat. § 6-21

Trust Company v. Schneider, 235 N.C. 446, 70 S.E.2d 578 (1952) (attorneys' fees)

Little v. Trust Company, 252 N.C. 229, 113 S.E.2d 689 (1960) (anticipatory decision)

Kathrine S. Miller

AD VALOREM TAX EXEMPTION: NEW REQUIREMENT OF ANNUAL APPLICATION FOR STATUTORY EXEMPTION

The 1973 General Assembly of North Carolina made extensive changes in the property tax exemption provisions of the General Statutes with passage of Senate Bill 147. Much of what has been accomplished by this piece of legislation is merely a rearrangement of prior statutes. The actual statutory coverage remains largely unchanged.

Nevertheless, a major change has been made with regard to property exempted from ad valorem taxation. By the conversion of former N.C. Gen. Stat. § § 105-278 and 105-280, into statutes dealing with particular types of exempt properties, the legislature was able to insert more specific language limiting the scope of these exemptions. The expanded provisions appear to be broadened in some cases, but this appearance is misleading. More definite and explanatory language should lead to a narrower construction of several of these statutes. Notable is the case of the veterans' organization. Here it will be found that the deletion of "lodge purposes" will be sufficient to endanger the exemption previously enjoyed. N.C. Gen. Stat. § 105-278.6. The well-settled rule is that tax exemption statutes are strictly construed against exemption and in favor of taxation. This would make it appear that where there is room for construction, an organization or property use, which does not fit neatly into the expanded classifications might be hard pressed to prove its right to exemption under these provisions. *Harrison v. Guilford County*, 218 N.C. 718, 12 S.E.2d 269 (1940).

The problem is further compounded by the complete revision of N.C. Gen. Stat. § 105-282. This statute had previously only required the person making the tax records to enter taxexempt property with a description of the property, its value, and present use. This requirement has been retained. However, the burden on the property owner has been increased. The property owner had previously been charged with the burden of proving to the taxing authority that its property was entitled to statutory exemption. *Piedmont Canteen Service, Inc. v. Johnson*, 256 N.C. 155, 123 S.E.2d 582, 91 A.L.R.2d 1127 (1961). The new N.C. Gen. Stat. § 105-282(a) codifies that burden, and adds to it the requirement that the owner of property must list the property and make formal application for exemption during the regular listing period. The property owner then has the burden of making the application annually, since the exemption will no longer be continuous.

The major difficulty this statute should create will rest among these organizations which were allowed exemption under the former statutes, but which may have greater difficulty in fitting certain of their properties, or themselves as owners, into the newer classifications of exempt organizations and properties. Many of these organizations may not realize the necessity of making the application until the listing period has expired in 1974. Without the application, N.C. Gen. Stat. § 105-282(b) provides that the taxing authority will have to "discover" and tax

these properties like any other under N.C. Gen. Stat. § 105-312. Where the application is made, the owner must remember to repeat the procedure annually. If no new application is filed the exemption will expire and the property will be taxed in subsequent years. For their own protection, these groups must be informed and vigilant in attending to that duty.

The major benefit of the revision of N.C. Gen. Stat. § 105-282, will be that for the first time, all real and personal property belonging to eleemosynary institutions and organizations throughout the state will be listed for ad valorem taxation. It will then be possible for legislators and the municipal governments which are dependent upon this source of revenue to determine exactly what amount of the property within their jurisdictions is not being taxed in support of governmental functions.

Dependent upon one's view of the desirability of taxing these groups, this might be a welcome change. It will provide information as to the value of charitable groups in comparison with the expense of their exemptions. If the balance comes out in favor of these property-owning groups, their status will remain secure. However, should it go the other way, this might eventually lead to further restriction of exempt categories.

In any case, the short-run effect of the changes is certain to be a good deal of confusion. Groups that currently qualify for exemption may not realize their new procedural burden in time to take advantage of this benefit. The problem will not last, however, because one experience with the payment of ad valorem taxes should be enough to insure proper annual application in the future.

Sharon T. Rayle

REAL ESTATE: THE MARKETABLE TITLE ACT

The Real Property Marketable Title Act (henceforth, MTA) will effectively become Chapter 47B of the North Carolina General Statutes on October 1, 1973. The purpose of the MTA is to increase the marketability of real property in North Carolina. The major provision of the Act is the erasure of all claims on real property which are not on record within the preceding thirty-year period.

The intent of the General Assembly is clearly stated (N.C. Gen. Stat. § 47B-1): to increase the marketability of real property, to eliminate antiquated defects in titles which hamper transfer, to reduce delays in real property transactions, and to reduce litigation, specifically suits to quiet title. Although the effective date is October 1, 1973, there is a 3-year grace period written in, and title-holders have until October 1, 1976, to comply with the MTA (N.C. Gen. Stat. § 47B-5).

To comply with the MTA all that property owners must do is re-record their interests every thirty years (N.C. Gen. Stat. § 47B-4). This is a small expenditure of energy in return for the benefit to all holders of interests in real property.

Prior to the MTA a property holder was only as safe as his lawyer's title-search was long and accurate. Theoretically, any defect in title or transfer, any claim made in the past could come forward from the remote past to plague the current property holder. The MTA seeks to reduce the dangers involved in purchasing real property by making all titles sound, which are recorded within an easily scrutable 30-year period, and by eliminating all defects which may have existed earlier. In effect, suspicious or defective titles are made

whole upon a lapse of three decades.

The MTA was vigorously supported by Wake Forest Professor James A. Webster, Jr. when he presented the prototype in a major article, "The Quest for Clear Land Titles," 44 N.C.L.Rev. 89 (1965). The proposed legislation was a slightly modified form of a similar statute enacted earlier in Michigan. With a few changes, Webster's modified Michigan MTA has become the MTA under discussion here.

Most of the changes from Webster's proposal are modest re-wordings, but one major (and precarious?) change was made by the North Carolina General Assembly; the number of exceptions to the MTA was proliferated (N.C. Gen. Stat. § 47B-3). Webster strenuously warns (at p. 107f) against adding to the number of exemptions from compliance to the MTA, which, if too numerous, would defeat the house-cleaning effect of MTA.

Despite the admonition, the General Assembly has proceeded to exempt persons in actual present possession, owners of mineral rights, railroads, zoning ordinances, and the host of utilities involving water, gas, sewage, Petroleum, Electricity, telephone, and telegraph (N.C. Gen. Stat. § 47B-3). The rights and interests of the United States are necessarily exampted, since the state cannot abridge claims of the federal government.

There is an inverse relationship between the effectiveness of the MTA and the number of exemptions. It remains to be seen in practice if title-searches will be shorter and if conveyances will be more secure. In any event, the MTA represents a great stride in the direction of increased marketability of real property in North Carolina.

Paul Sinal

EVIDENCE: COMMUNITY STANDARD ENLARGED

State v. McEachern, 283 N.C. 57, 194 S.E.2d 787 (1973).

The North Carolina Supreme Court this past April made a substantial clarification and liberalization in the field of character evidence. In the future, evidence of one's good or bad character need not be confined to such character in the neighborhood or community in which he lives. Such evidence now may relate to such person's reputation in any community or society in which he is well-known or has established a reputation.

Defendent McEachern was charged with rape and common law robbery. McEachern offered evidence to the effect that he did have intercourse with the prosecutrix, but that it was with her consent. The prosecutrix, at the time she was assulted, was at the home of her maid on 118 Teachers Drive in Fayetteville. Defendant attempted to call a witness who was to testify to the prosecutrix's bad reputation on Ray Avenue, the home of the prosecutrix. The State objected to the questioning of the witness on the grounds that the witness had no way of knowing the presecutrix:s reputation on the other side of town, *i.e.,* Teachers Drive. The trial court sustained the State's objection and refused to allow the witness to testify.

On appeal, the issue presented was: Should a witness be allowed to testify as to the prosecutrix's general reputation in the community, when the witness does not live in the community where the rape in question occurred? The Court held that the inquiry into reputation should not be necessarily confined to the residence of the party whose reputation is in question, but should be extended to any community or society in

which the person has a well-known or established reputation. Such reputation must be his general reputation held by an appreciable number of people who have an adequate basis upon which to form their opinion. The defendant was awarded a new trial.

The general rule in North Carolina prior to this case was, "In North Carolina the testimony of a character witness is confined to the general reputation of the person whose character is attacked, or supported, in the community in which he lives." *State v. Steen,* 185 N.C. 768, 770, 117 S.E. 793, 794 (1923).

Subsequent decisions have added layers of confusion on what is meant by "community" or "neighborhood" in determining whether a witness is qualified to testify as to general reputation.

The first layer of confusion was added by *State v. Bowen,* 226 N.C. 601, 39 S.E.2d 740 (1946). In *Bowen* a witness for the State was asked whether he knew the general reputation of the defendant "around in the Farmville community." The witness was allowed to answer the question. On cross-examination, the defense attorney showed that the defendant did not live in Farmville, but lived six or seven miles from there and came to Farmville two or three times a week.

The defendant appealed contending that since he did not reside in Farmville, a witness could not testify as to his general reputation in the Farmville community. The Supreme Court affirmed the conviction stating, "We think the word 'around in the community' is comprehensive enough to include the neighboring rural regions in which the defendant lives." *State v. Bowen,* Id. at 602, 39 S.E. 2d at 741.

The *Bowen* decision could be reached following the logic of the *Steen* decision, but the case of *State v. Ellis,* 243 N.C. 142, 90 S.E.2d 225 (1955), departed completely from the reasoning of prior cases. The witness was asked if he knew the defendant, and he replied that he knew him only when he saw him and did not know his general character. He was then asked if he knew the defendant's general character "from the esteem in which he is held in the community in which he lives, what the people generally say about him." The witness answered affirmatively and then proceeded to testify. On cross-examination the witness said that he was testifying as to the defendant's reputation in the Young community where the homicide occurred, and not in the community in which the defendant actually lived. The court held that the evidence should be excluded since the witness originally answered that he did not know the defendant's reputation in any community.

Out of this confusion, the Supreme Court decided to fashion a new rule that would get away from a strict reliance on the words "community" and "neighborhood." The Court bases its decision strongly on the following quotation from 29 *Am. Jur.* 2d, Evidence, § 347 (1967):

"The rule is broadly stated that evidence of the good or bad character of a party must relate and be confined to his general reputation in the community or neighborhood in which he resides or has resided. However, the term 'community' or 'neighborhood' is not susceptible of exact geographical definition, but means, in a general way, where the person is well-known and has established a reputation, so that the inquiry is not necessarily confined to the domicil or residence of the party whose reputation is in question, but may extend to any community or society in which he has a well-known or established reputation."

In summary, the inquiry into reputation should not be necessarily confined to the residence of the party whose reputation is in question. It should extend to any community or society in which the person has a

well-known or established reputation. The witness must have sufficient contact with the community or society to qualify him as knowing the general reputation of the party in question. Despite the liberal standard in this case, still a lawyer's best and most credible character witness is a person who lives in the same community or neighborhood as the person whose reputation is supported or being attacked.

RESEARCH BIBLIOGRAPHY

1. *Johnson v. Massengill,* 280 N.C. 376, 186 S.E.2d 168 (1972).

2. *State v. Smoak,* 213 N.C. 79, 195 S.E. 72 (1938). (Emphasized the phrase "in the community in which he lives" to disallow employee of railroad to testify as to character of fellow employee.)

3. Annot., 112 A.L.R. 1020 (1938).

4. 1 Brandis, *Stansbury's North Carolina Evidence* § 110 (Rev.ed. 1973). (Extensive listing of prior cases before the principal case.)

5. McCormick, *Law of Evidence* § 44 (Cleary ed. 1972).

J. Stephen Gaydica, III

LOCAL AND STATE LAW: CONFLICTS

State v. Williams, 283 N.C. 550, 196 S.E.2d 756 (1973).

Defendants were arrested and charged in separate warrants with the violation of Chapter 11-16, Section A, of Mount Airy city ordinances, for the possession of an open beer on North Main Street in Mount Airy. This ordinance provided as follows: "No person shall have open and in his possession, or consume, serve or drink wine, beer, whiskey or any alcoholic beverages of any kind on or in the public streets of the Town of Mount Airy . . . " Defendants' subsequent motions to quash the warrants were allowed in District Court and affirmed in an appeal by the State to Superior Court. The case ultimately reached the North Carolina Supreme Court, which affirmed the decisions of the lower courts. The court held that the Mount Airy ordinance was invalid because it conflicted with the general laws of North Carolina - in specific, with N.C. Gen. Stat. § 18A-35 which provides as follows: "Except as otherwise provided in this Chapter, the purchase, transportation, and possession of malt beverages and unfortified wine by individuals 18 years of age or older for their own use are permitted without restriction or regulation." In effect, the court's decision provides that under the present North Carolina state liquor laws, a person has the right to possess an open beer on the streets of the state.

Beginning with the case of *Town of Washington v. Hammond,* 76 N.C. 33 (1877), it has been the law in North Carolina that a city ordinance must be consistent with the general laws of the state in order to be valid. This early case stated at page 36, " . . . that municipal by-laws and ordinances must be in harmony with the general laws of the State, and whenever they come in conflict with the general laws the by—laws and ordinances must give way . . . " Ibid, 36. This rule of law has now been codified into the General Statutes of North Carolina through the passage of N.C. Gen. Stat. § , 160A-174(b).

In only two prior cases in North Carolina has a city ordinance been overturned because of a conflict with some portion of the state liquor laws contained in Chapter 18A of the

General Statutes. In *Davis v. Charlotte,* 242 N.C. 670, 89 S.E.2d 406 (1955), the North Carolina Supreme Court overturned a Charlotte city ordinance which prohibited the sale of beer or wine by "curb service" or by a "car hop." The court held that as "curb or car hop service" is performed "on the premises" of the given establishment, then this type of service is covered by the state statute authorizing the holder of an "on premises" liquor license to sell beverages for consumption "on the premises." Similarly, in *Staley v. City of Winston-Salem,* 258 N.C. 244,128 S.E.2d 604 (1962), the N.C. Supreme Court overturned a Winston-Salem city zoning ordinance which conflicted with the state liquor laws. This ordinance prevented a restaurant located in a residential area as a "nonconforming use" from selling wine to its diners, thus conflicting with the state statute that permits the sale of unfortified wines in such a restaurant. Just as in the present case of *State v. Williams,* the local ordinances in these cases had to give way to the state statutes with which they conflicted.

Yet really the main problem in *State v. Williams* was the interpretation to be given to the applicable liquor statutes. A vigorous dissent in this case pointed out that under the definitions of N.C. Gen. Stat. §18A-2, beer is included in both the definitions of "intoxicating liquor" and "malt beverage." The dissent then relied on N.C. Gen. Stat. §§ 18A-1, which states that the " . . . possession of intoxicating liquors shall be prohibited except as authorized in this Chapter," to hold that the Mount Airy ordinance was not in conflict with the state statute. This interpretation ignores the obvious intention of the state legislature that beer be controlled by the narrower term of "malt beverage" and the laws provided for such beverages in N.C. Gen. Stat. §§ 18A-33 through 18A-55. Yet the dissent's decision seems mainly based on the fear that if " . . . the law permits the possession of beer in open cans on the public streets, then the law must also permit its consumption there." Ibid., at 556. The majority opinion failed to mention whether the Mount Airy statute would have been valid had it not contained the "open beer can" provision. Obviously the carrying of an open can of beer on the street would hardly add to the quality of the beer, and consumption would be the likely reason for one's having opened the beer. Yet N.C. Gen. Stat. §§ 18A-35(a), which the majority relies on for its holding, does not say how the beer must appear in order for possession or transportation of it to be legal. Thus so long as a person is not caught consuming the beer on the street, it would not matter if the beer can which he was transporting was open or closed - since the legislature did not specify a difference in the statute. As such, the holding of this case would appear to have no effect on a city ordinance forbidding only "consumption" of beer on the public streets, though obviously the elimination of the "open beer can" clause from such a statute would make a conviction much more difficult to obtain.

RESEARCH BIBLIOGRAPHY

1. *Davis v. Charlotte,* 242 N.C. 670, 89 S.E.2d 406 (1955). (Charlotte city ordinance prohibiting sale of beer or wine by "curb service" or "car hop" held invalid for conflicting with state statute.)

2. *Staley v. City of Winston-Salem,* 258 N.C. 244, 128 S.E.2d 604 (1962). (Winston-Salem city ordinance prohibiting sale of wine by restaurant in certain zoned area of the city held invalid for conflicting with state statute.)

3. *State v. Williams*, 283 N.C. 550 196 S.E.2d 756 (1973). (Mount Airy city ordinance prohibiting possession of open beer on city street held invalid for conflicting with state statute.)

4. 56 Am. Jur. 2d, *Municipal Corporations* § 374. (Municipal ordinance must be consistent with state statutes.)

5. N.C. Gen. Stat. Chapter § 18A (Supp. 1971). (Regulation of intoxicating liquors.)

6. N.C. Gen. Stat. § 160A-174(B)(1971). (Municipal ordinances must give way to a conflicting state statute.)

Robert N. Wells, Jr.

CHILD SUPPORT: UPDATE

Shoaf v. Shoaf, 282 N.C. 287, 192 S.E.2d 299 (1972).

This decision reversed the decision of the North Carolina Court of Appeals in 14 N.C.App. 231, 188 S.E.2d 19 (1972), which was noted in Volume 3, Number 2 of the *Wake Forest Jurist* on page 25.

The pertinent issue was whether N.C. Gen. Stat. § 48A-2 (1971) relieved the defendant - father of his obligation to pay support for his son who was over 18 years of age, but not yet 21. The trial court and the Court of Appeals said that a consent judgment signed by both parties which provided "payments for child support shall continue until such time as said minor child shall reach his majority or is otherwise emancipated," created a duty upon the defendant to pay child support until the child reached the age of 21. The Supreme Court reversed the decision.

In his opinion, Justice Higgins said that when a parent of a minor child invokes the jurisdiction of the court in matters involving custody, support, etc., the children became wards of the court and the court has the authority to review its orders and judgments periodically and to modify them in the light of changed conditions. The General Assembly alone has the power to determine the age at which one reaches majority and achieves full rights to manage his own affairs. By passage of N.C. Gen. Stat. § 48A, the legislature made the determination that the age of majority would be 18 years of age. Defendant father in this case had fulfilled his obligation under the consent judgment by paying support for his son until age 18. The trial court order, i.e., that he continue to pay such support until the son reached age 21, was vacated.

As a result of this decision, parents in North Carolina are no longer legally bound to give support to children, 18 years or older, who are not under any physical or mental disability, and no court may order such payments.

RESEARCH BIBLIOGRAPHY

1. *Shoaf v. Shoaf*, 14 N.C.App. 231, 188 S.E.2d 19 (1972).

2. R.E. Lee, *North Carolina Family Law* (Cum. Supp. 1972) § 229.

3. N.C. Gen. Stat. 48A-1 (1971).

4. N.C. Gen. Stat. 48A-2 (1971).

5. 3 *Wake Forest Jurist* 25 (1973).

Charles D. Coppage

ALUMNI NEWS

JUDGE MALLARD RETIRES

Judge Raymond B. Mallard, Chief Judge of the Court of Appeals since 1967, recently retired from that position after a long and distinguished career as a Superior Court and Court of Appeals Judge. The *Jurist* in recognition of this outstanding North Carolina jurist and in conjunction with the homecoming theme of *Wake Forest Jurist Day* would like to take this opportunity to share with other Wake Forest law alumni a little insight into this man and his career.

Raymond B. Mallard is a "down easterner", born in 1908 in Duplin County, North Carolina. After receiving both his undergraduate and law degrees from Wake Forest, he went into the practice of law in 1932 in Tabor City, North Carolina, where he practiced until 1955. In 1939, Judge Mallard served in the General Assembly for the state, and from 1944-45, he served his country in the Armed Forces. From 1955-1967, Judge Mallard was a North Carolina Superior Court Judge; then in 1967 he was appointed to the North Carolina Court of Appeals as Chief Judge, where he has served until his recent retirement.

In reflecting upon his career as a Superior Court Judge in an interview with the Whiteville *News Reporter,* Judge Mallard recalled two particular cases he heard. The first was the 1959 trial of striking textile workers in Hendersonville who violated restraining orders. The second took place in Chapel Hill in 1964, when civil rights demostrators set up a human roadblock. Judge Mallard said, "The feeling surrounding both of those trials ran high. I received

criticism for the way I handled them and some commendation too."

Concerning his general reputation as a jurist, Judge Mallard recalled, "I've been pegged as a 'stern and very strict disciplinarian' in the courtroom. I don't like that choice of words."

"Because I'm conducting the business of the people, I've never taken any foolishness. Both the defendant and the state are entitled to a business-like proceeding."

His position on the Court of Appeals has also kept Judge Mallard busy. In 1967, when the Court of Appeals was first formulated some 400 opinions were handed down. By 1972, that number had more than doubled.

Judge Mallard alone wrote 90 opinions in 1972.

On January 28, 1973 a heart attack forced Judge Mallard to retire. However, he was recently named Emergency Judge of the Court of Appeals, taking cases only as his health permits.

Judge Mallard in evaluating the law concluded, "Any time a person, big or small, thinks his rights are being infringed upon, he should be able to try the case and adjudicate it by law."

The *Jurist* takes its hat off to this great North Carolina jurist and congratulates Judge Mallard for the distinguished career and service which he has rendered this state and nation.

The *Jurist* would like to thank Mr. Jim High and the Whiteville *News Reporter* for permission to use portions of a recent article on Judge Mallard.

CLASS NOTES

1955

Thomas Edward Strickland, State Senator from Wayne County, recently formed a partnership in Goldsboro, North Carolina, with David Rouse.

1958

W. Earl Britt now has law offices in Lumberton and Fairmont, North Carolina.

1965

Jerry Lee Eagle is the Assistant General Counsel for Jefferson Standard Life Insurance Company in Greensboro, N.C.

1966

Lawrence S. Groff is a partner in the firm of Oster, Espo, Fay and Groff of Lincoln, Rhode Island.

1967

Panos A. Yeapanis is presently serving as City Attorney of Newport News, Virginia.

1968

John Memory is an officer in the U.S. Army Judge Advocate General's Corps, and is attending advanced officer training at JAGC School at Charlottesville, Va.

1970

Harry Clendenin III is associated with Smith, Moore, Smith, Schell and Hunter in Greensboro, N.C.

1972

Robert C. Jenkins is a partner in the law firm of Jenkins and Jenkins which has offices in Avlander and Ahoskie, N.C.

Daniel P. Sabetti is presently employed a Law Clerk-Arbitration Administrator in Lehigh County, Pennsylvania.

Brenton D. Adams has formed a partnership with S. Gerald Arnold for the practice of law in Raleigh, N.C.

Sherry McManus is now associated with Ralph A. White, Jr. in the preparation of the North Carolina Appeals Reports.

1973

Alfred G. Adams is now associated with VanWinkle, Buck, Wall, Starnes & Hyde in Asheville.

Dwight W. Allen is employed by Tally, Tally & Bouknight of Fayetteville.

Carl W. Atkinson has become associated with S. Horace McCall of Troy.

William T. Biggers is now employed by the State ABC Board in Raleigh.

Jerry S. Brackett is in the Firm of Butner & Gaither in Hickory.

Ellis M. Bragg, Jr. has established his own practice in Charlotte.

Wade E. Byrd is now Assistant District Attorney of the 12th Judicial District in Fayetteville.

Joseph B. Cheshire, V is now employed by Ragsdale & Liggett of Raleigh.

Robert H. Corbett is a Law Clerk for Judge David Britt of the Court of Appeals in Raleigh.

William T. Culpepper, III has established his own practice in Edenton.

R. Brandt Deal recently joined Graves & Nifong of Winston-Salem.

James B. Foley is Assistant Solicitor in Statesville.

Edwin R. Gatton has become associated with Pilot Life Insurance in Greensboro.

Randy S. Gregory is Assistant Solicitor of the 12th Judicial District in Fayetteville.

Benjamin H. Harding, Jr. is a Law Clerk for Justice Branch of the Supreme Court of North Carolina in Raleigh.

T. Paul Hendrick is a Law Clerk for Judge Hiram T. Ward of the Federal District Court in Winston-Salem.

W. Riley Hollingsworth, Jr. is employed by the FCC in Rock Hill, S.C.

Thomas L. Kummer is associated with the IRS in Covington, Kentucky.

William H. Lambe, Jr. recently joined Hofler, Mount, White & Long of Durham.

Emmett S. Lubton, Jr. is Public Defender in High Point.

Harold P. McCoy, Jr. is now in the firm of Josey & Vaughan of Scotland-Neck.

Roger P. Main is a Law Clerk for Judge Alexander in Burlington, New Jersey.

M. Bierne Minor is now associated with Breed, Abott, and Morgan of New York.

Larry G. Reavis is Assistant Solicitor in Winston-Salem.

James B. Spears, Jr. recently joined Haynesworth, Baldwin & Miles in Greenville, S.C.

D. Keith Teague is Assistant Solicitor of the 1st Judicial District in Elizabeth City.

John P. VanZandt, III is with the Judge Advocate General's Corps.

Jerry F. Waddell is now in the firm of Ward & Ward in New Bern.

Cecil L. Whitley has become associated with Steve Gray of Salisbury.

Cynthia J. Zeliff recently joined Seawell, Pollock, Fullenwider, Van Camp and Robins in Southern Pines.

HOMECOMING '73

Homecoming '73 for all law alumni of Wake Forest University has as its theme "Wake Forest Jurists Day". In choosing this theme the Alumni Association hopes to show its appreciation by honoring all graduates of the Law School who have served or are serving on the bench. The Alumni Staff of the Jurist want to aid in this worthwhile event by publishing the schedule of events for the weekend.

**Friday, November 9, 1973
7:00 p.m.-Partners Banquet

**Saturday, November 10, 1973-"Wake Forest Jurists Day"

10:00 a.m. -	Alumni reception with coffee and doughnuts in Law Building Lobby.
10:30 a.m. -	Program honoring Wake Forest judges in courtroom, and a panel discussion on the proposed revision of the North Carolina Criminal Procedure Law.
11:45 a.m. -	Buffet luncheon in Law Library. (Please make Reservations)
1:30 p.m. -	WFU vs Duke at Groves Stadium
5:00 p.m. -	Cocktail Party at Sheraton–classes 1960 and before. (Reservations)
6:30 p.m. -	Cocktail Party at Sheraton–classes after 1960. (Reservations)

*Tickets for block section should be ordered on the application received from the Alumni Association by October 26.

**Alumni will be staying at the Sheraton Motor Inn. Please make reservations on the application form received from the Alumni Association by October 26.

If you are presently or have been a judge, we would like to recognize you during our program. If you do not receive a special letter of invitation from Dean Bowman by September 31, please notify the Law School so that you will be honored on "Wake Forest Jurist Day".

WE WANT TO KNOW MORE ABOUT OUR ALUMNI

Please fill in this form and return it to us.

Name:
Address

Background: (birthplace, education, and marital status.)

Present position and firm:

Type of practice:
a. Civil practice in a small town (less than 10,000 people)
b. Civil practice in a city (10,000-50,000 people)
c. Civil practice in a large city (more than 50,000 people)
d. Criminal practice in a small town
e. Criminal practice in a city
f. Criminal practice in a large city
g. Specialized practice (if so, specify particular area of speciality)

Law school: (emphasis on activities and courses which you found relevant to your present work.)

Activities in the community and civic achievements:

Color photos of Carswell Hall are still available from the *Jurist*,. Orders may be placed by mail, and the photos may also be purchased at the Law School during the Homecoming activities. The price is $3.00 per picture.

WAKE FOREST JURIST
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